

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DIJON TOWNSEND,

Plaintiff,

v.

MARCUS MANAGEMENT, *et al.*,

Defendants.

Case No. 24-cv-12581
Honorable Shalina D. Kumar
Magistrate Judge Elizabeth A. Stafford

ORDER DENYING PLAINTIFF'S MOTION TO ADMIT OR DENY (ECF NO. 9) AND MOTION TO COMPEL (ECF NO. 11)

Plaintiff Dijon Townsend, proceeding pro se, moves to compel nonparties Hope Turner and Tammy Sanchez to respond to requests for admission and to compel Defendants Marcus Management and Concord Cooperative, Inc., to produce documents. ECF No. 9; ECF No. 11. The Honorable Shalina D. Kumar referred the case to the undersigned for all pretrial matters under 28 U.S.C. § 636(b)(1). ECF No. 18.

Townsend's discovery motions are premature. Federal Rule of Civil Procedure 26(d)(1) precludes parties from "seek[ing] discovery from any source before the parties have conferred as required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B), or

when authorized by these rules, by stipulation, or by court order.” None of the exceptions to this rule apply. Defendants have not yet been served in this action, let alone participated in a Rule 26(f) conference with Townsend. Nor has Townsend requested early discovery. Thus, his motions to compel discovery are premature.

The motions also fail because Townsend did not make discovery requests before moving to compel. Townsend “must comply with the federal rules of civil procedure and serve a request for production of documents or other discovery requests on defendants before bringing a motion to compel.” *Williams v. Caruso*, No. 08-10044, 2008 WL 4389831, at *1 (E.D. Mich. Sept. 25, 2008). But again, Townsend may not make those discovery requests until after the Rule 26(f) conference occurs.

The Court thus **DENIES** Townsend’s motions to compel. ECF No. 9; ECF No. 11.

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

Dated: February 10, 2025

NOTICE TO PARTIES ABOUT OBJECTIONS

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous or contrary to law. 28 U.S.C. § 636. **“When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.”** E.D. Mich. LR 72.2.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court’s ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 10, 2025.

s/Davon Allen
DAVON ALLEN
Case Manager